



INQUIRY INTO THE CARE AND WELFARE AFFORDED TO THE RACEHORSE HAPPY WINNER PRIOR TO
ITS EUTHANASIA ON 18 AUGUST 2021

Coffs Harbour Racecourse

11 January 2022

**Stewards: M A Holloway (Chairman)
R. W. Loughlin**

Stewards today concluded and inquiry opened on Friday 26 November 2021 into the care and welfare afforded to the racehorse *Happy Winner* prior to its euthanasia on 18 August 2021.

Evidence was taken from licensed trainers Ms Joanne Hardy and Mr Brett Robb, Racing NSW veterinary permit holders Dr David Johnson and Dr Don Crosby and RacingNSW Chief Veterinary Officer Dr Toby Koenig.

Written evidence from farrier Mr Rick Missen and licensed trainer Mr Paul Smith was tendered to the inquiry.

After consideration of all evidence, stewards issued Ms Hardy with two charges –

Charge 1 – Improper Action in connection with racing (AR229(1))

That after becoming aware on 28 April 2021 that *Happy Winner* had an injury to its off fore superficial digital flexor tendon she did in late June 2021 advertise *Happy Winner* for sale, making declarations regarding the gelding without seeking the appropriate veterinary advice and failing to disclose the geldings injury and/or the recovery period and/or the rehabilitation program it required. Upon successfully selling *Happy Winner* she did fail to advise its purchaser of its injury and/or the recovery period and/or the rehabilitation program it required. Such declaration/s and failure/s compromising the care and welfare afforded to *Happy Winner* after it left her care by it being placed into a work program contrary to the recovery period and/or rehabilitation program it required before it suffered a catastrophic injury to both fore superficial digital flexor tendons and was euthanased.

Plea: Not Guilty

Found: Guilty

Charge 2 – Providing false and / or misleading information

That she did provide false and / or misleading information to NRRA Chief Steward Mr Mark Holloway in email correspondence dated 8 September 2021.

Plea: Not Guilty

Found: Guilty

Stewards considered the following matters when assessing penalty –

1. Plea.
2. Disciplinary history & years involved in industry
3. Personal and professional circumstances.
4. Nature of the offence
5. Principle of specific and general deterrence and what message is to be sent to the industry, and greater public, in respect to such conduct.
6. Purpose for issuing penalties as a protective measure for the image and integrity of the thoroughbred Industry.

Penalty

Charge 1 – 8 month disqualification

Charge 2 – 2 month disqualification

Stewards ordered that the penalties be served cumulatively. Such disqualification period commencing on 18 January 2022, allowing Ms Hardy 7 days make arrangements to comply with the embargoes on a disqualified person as permitted under AR283(7), and to expire on 18 November 2022, on which day she may re apply for a license.

Ms Hardy was advised of her appeal rights.

Relevant Rules

AR 229 Corruption, dishonesty or misleading behaviour

(1) A person must not:

(a) engage in any dishonest, corrupt, fraudulent, improper or dishonorable action or practice in connection with racing;

AR232 Failure to observe processes and directions of PRAs or Stewards

A person must not

(i) give any evidence at any interview, investigation, inquiry, hearing and/or appeal which is false or misleading.



AR283 Penalties

(7) A person or body authorised by these Australian rules to suspend or disqualify any trainer may defer the commencement of the period of suspension or disqualification for no more than 7 clear days following the day the suspension or disqualification was imposed, and upon terms and conditions they see fit.

M. A. Holloway (Chief Steward NRRRA)